

NOTES:

The HSG analysis of HB 1133 appeared in the April 19 Daily Floor Report.

Civil-procedure revisions
(HB 1186, by Messer)

DIGEST:

This bill would have extensively revised the civil statutes relating to civil procedure, civil remedies, and civil liabilities.

GOVERNOR'S
REASONS
FOR VETO:

The bill "appears to contain provisions which modify or conflict with existing, substantive law." Such modifications may be desirable, but first, direct input from the State Bar of Texas and the Supreme Court is essential.

SPONSOR'S
VIEW:

Rep. Messer said the Governor's reason for vetoing the bill was that the Supreme Court wanted more time to study it. Messer said it was "very frustrating" to have the bill vetoed for that reason, because every interested party had a copy of the bill for at least four months before it was passed. Messer said he would reintroduce the bill because it is one of the Legislative Council's continuing code projects.

Brackenridge Park Golf Course
(HB 1415, by Sutton)

DIGEST:

The bill would have authorized the board of regents of the University of Texas System to waive its reversionary interest in the Brackenridge Park Golf Course and Mahncke Park Botanical and Garden Center, owned conditionally by the city of San Antonio. The donor of these tracts of land, George W. Brackenridge, stipulated in the deeds that the city "shall never permit any beer or intoxicating liquor of any kind to be sold, given away, or drunk within or upon" the properties. If the city of San Antonio violates this condition, ownership of the land reverts to the state, in the name of the University of Texas. The bill would have required the establishment of "strict policy guidelines" regulating the consumption and sale of alcoholic beverages, "in order to maintain the high standards by which the city of San Antonio has managed the property since the conveyance."

GOVERNOR'S
REASONS
FOR VETO:

"HB 1415 violates Art. 3, sec. 51 of the Texas Constitution." Art. 3, sec. 51 says in part: "The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever." The only exceptions allowed by this section are for indigent and disabled Confederate soldiers and sailors and their indigent widows and for state grants of aid in cases of public calamity. If this bill were enacted, waiving the state's interest in land holdings, it would constitute a legislative authorization of a grant to the city of San Antonio.

Although it is not discussed in the Governor's veto proclamation, the Governor's office said that the bill was also vetoed because allowing the Brackenrueff deed restriction to be overturned would discourage other potential donors from giving property to the public sector--i.e., the veto upholds the principle that "a deal is a deal."

SPONSOR'S
VIEW:

Rep. Sutton said she is "disappointed, naturally," but that "the Governor does what he has to do." Maybe the city of San Antonio was not well-enough informed about the constitutional issue cited in the veto proclamation, she said. She added that it was not anyone's intention to do anything that would constitute improper management of the property.

NOTES:

SB 242, by Doggett, also dealing with reversionary interests, was vetoed by Gov. White for the same reason.